

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

JOHN W. MANNING

PLAINTIFF

v.

No. 2:18-cv-92-DPM

S. MAYBERRY, Correctional Officer,
FCI-Forrest City Medium

DEFENDANT

ORDER

On *de novo* review, the Court adopts Magistrate Judge's Kearney's recommendation, *No* 45, and overrules Manning's objections, *No* 46. FED. R. CIV. P. 72(b)(3). Judge Kearney didn't recommend dismissal because Manning's claims were frivolous; instead, he concluded that Manning hadn't completed the BOP's administrative appeals process before filing this lawsuit. And nothing in the record shows an appeal to the Bureau's Central Office—the final step in that process. *No* 36-1 at 2, 4; *No* 41 at 4-17; 28 C.F.R. § 542.15. Manning's complaint will therefore be dismissed without prejudice. An *in forma pauperis* appeal from this Order and accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

7 February 2019